



PUBLIC NOTICE

Federal Communications Commission
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FCC MEDIA BUREAU

DA 07-2985

July 5, 2007

MB Docket No. 07-137

MEDIA BUREAU ACTION

COMMENT SOUGHT ON THE REQUEST BY STATE BROADCASTERS ASSOCIATIONS FOR DECLARATORY RULING CONCERNING APPLICATION OF THE COMMISSION'S POLITICAL PROGRAMMING REGULATIONS TO THREE INTERNET "AIRTIME SALES PROGRAMS"

Comment Date: August 6, 2007

Reply Comment Date: August 21, 2007

1. On June 19, 2007, broadcasters associations representing 41 States and the District of Columbia ("Associations")¹ filed a Request for Declaratory Ruling ("Request"). The Associations ask that the Commission issue a declaratory ruling regarding "whether a broadcast station participating in any of [three specific Internet sales programs] must take into consideration the 'sale price' of the airtime sold to advertisers under these programs when computing the station's lowest unit rate." The three Internet sales programs are Bid4Spots, Inc., SoftWave Media Exchange, and dMarc Broadcasting, Inc. We seek comment on the Request and any additional issues that these Internet sales programs may raise under Sections 315, 312(a)(7), and 317 of the Communications Act of 1934, as amended, and the Commission's implementing rules. We also seek factual information beyond that provided in the Request concerning the specific design and operation of each of these Internet sales programs. We are assigning this proceeding a Commission docket number, MB 07-137, in order to facilitate filing public comment.

2. *Ex Parte Rules.* This proceeding will be treated as a "permit-but-disclose" proceeding subject to the "permit-but-disclose" requirements under section 1.1206(b) of the Commission's rules.² *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed.

¹ On June 22, 2007, a Supplement to the Request for Declaratory Ruling was filed adding broadcasters associations representing six additional states and Puerto Rico as parties to the Request.

² See 47 C.F.R. § 1.1206(b); see also 47 C.F.R. §§ 1.1202, 1.1203.

More than a one- or two-sentence description of the views and arguments presented is generally required.³ Additional rules pertaining to oral and written presentations are set forth in section 1.1206(b).

3. Pursuant to Sections 1.415 and 1.419 of the Commission's rules,⁴ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. **All filings must be submitted in MB Docket No. 07-137.** Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁵

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 07-137. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- **People with Disabilities:** To request materials in accessible formats for persons with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or contact the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

³ See 47 C.F.R. § 1.1206(b)(2).

⁴ 47 C.F.R. §§ 1.415 and 1.419.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd 11322, 11326, ¶ 8 (1998).

- Copies of any filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
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(202) 418-7092

4. For further information, contact Robert Baker or Hope Cooper of the Media Bureau, (202) 418-1440.

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